



# City of NORFOLK

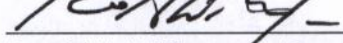
C: Director, Department of City Planning

To the Honorable Council  
City of Norfolk, Virginia

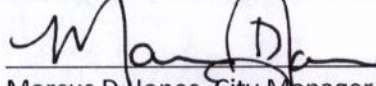
April 12, 2016

FROM: George M. Homewood, AICP CFM, Planning Director

SUBJECT: **The closing, vacating and discontinuing of a portion of Fauquier Street.**

REVIEWED:   
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

APPROVED:   
Marcus D. Jones, City Manager

Item Number: **PH-3**

I. **Staff Recommendation:** Approval

II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.

III. **Request:** Street closure of a portion of Fauquier Street from the northern line of Bellamy Avenue 100 feet, more or less, northeastwardly to its terminus.

IV. **Applicant:** Colonna's Ship Yard, Inc. by John D. Padgett, Esq.

V. **Description:**

- The right-of-way to be closed is located in the Berkley area at the boundary between single family and industrial areas in the community.
- The right-of-way will be incorporated into the adjacent shipyard property and will eliminate Fauquier Street as a potential access point to the industrial site from the community.
- The City's Department of Utilities has a six-inch water main in the proposed portion of Fauquier Street to be closed and has requested that the applicant abandon the main within the closure area with all costs for the abandonment borne by the applicant.
- Dominion Virginia Power has facilities in conflict and has requested an easement.
- The agreed upon purchase price of the right-of-way to be closed as established in the most recent appraisal, \$18,750, is due to the City Attorney's Office at time of transfer.
- City Council deferred consideration of this item in January 2011 to allow for additional coordination and communication with the community.
- The Beacon Light/Berkeley Civic League in March 2016 after meetings and consultation with representatives of the shipyard has provided updated comments supporting the proposed closure.

VI. Staff point of contact: Jeffrey Raliski at 664-4766, [jeffrey.raliski@norfolk.gov](mailto:jeffrey.raliski@norfolk.gov)

Attachments:

- Ordinance
- Staff Report to CPC dated December 16, 2010 with attachments
- Proponents and Opponents
- 2016 Civic League Letter

**PROPOSERS**

John D. Padgett, Esq.  
101 W. Main Street, Suite 9000  
Norfolk, VA 23510

**OPPOSERS**

None

Form and Correctness Approved: *RAP*

Contents Approved:

By *Nathan Beaman*  
Office of the City Attorney

NORFOLK, VIRGINIA

By *[Signature]*  
DEPT.**ORDINANCE No.**

AN ORDINANCE CLOSING, VACATING AND DISCONTINUING A PORTION OF FAUQUIER STREET FROM THE NORTHERN LINE OF BELLAMY AVENUE 100 FEET, MORE OR LESS, NORTHEASTWARDLY TO ITS TERMINUS, AND AUTHORIZING THE CONVEYANCE TO THE ABUTTING PROPERTY OWNER OR OWNERS OF ANY INTEREST THE CITY MAY HAVE IN THE SAID PORTION OF FAUQUIER STREET.

- - -

WHEREAS, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, the City Council has the authority to close, vacate and discontinue public rights of way; and

WHEREAS, the City of Norfolk ("City") has received an application for the closure of a portion of Fauquier Street from the northern line of Bellamy Avenue 100 feet, more or less, northeastwardly to its terminus, as described in Exhibit A and shown on Exhibit B, both of which are attached to and made a part of this ordinance; and

WHEREAS, after a public hearing, the City Planning Commission recommended that the said portion of Fauquier Street be closed, vacated and discontinued; and

WHEREAS, Dominion Virginia Power has facilities located in the right of way and has confirmed that satisfactory arrangements have been made with respect to such facilities; and

WHEREAS, the City's Department of Utilities has



facilities located in the right of way and satisfactory arrangements have been made with respect to such facilities; and

WHEREAS, the applicant has agreed to pay to the City all costs associated with the publishing of the notice required by Section 15.2-2006 of the Code of Virginia, 1950, as amended; and

WHEREAS, pursuant to Section 15.2-2008 of the Code of Virginia, 1950, as amended, and Section 42-212 of the Norfolk City Code, 1979, the City and the abutting property owner or owners have agreed that the sum of \$18,750.00 is a fair price for the City's interest in that portion of Fauquier Street to be closed; and

WHEREAS, the requirements of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Sections 42-212 and 42-213 of the Norfolk City Code, 1979, which relate to the vacation of public rights of way, have been met; and

WHEREAS, it is the judgment of the Council that the said portion of Fauquier Street is not needed for public use and travel, and that the closure of this portion of Fauquier Street will alleviate undue public maintenance responsibilities, will promote economic development, and will increase real estate tax revenues, and therefore this portion of Fauquier Street should be closed, vacated and discontinued as a public street of the City of Norfolk; now therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That upon payment of the sum of \$18,750.00 by the abutting property owner or owners a certified copy of this ordinance shall be recorded in the

Clerk's Office of the Circuit Court of the City of Norfolk as deeds are recorded and, upon such recordation, the portion of Fauquier Street, as described in Exhibit A and shown on Exhibit B, shall be closed, vacated and discontinued as a public street of the City of Norfolk.

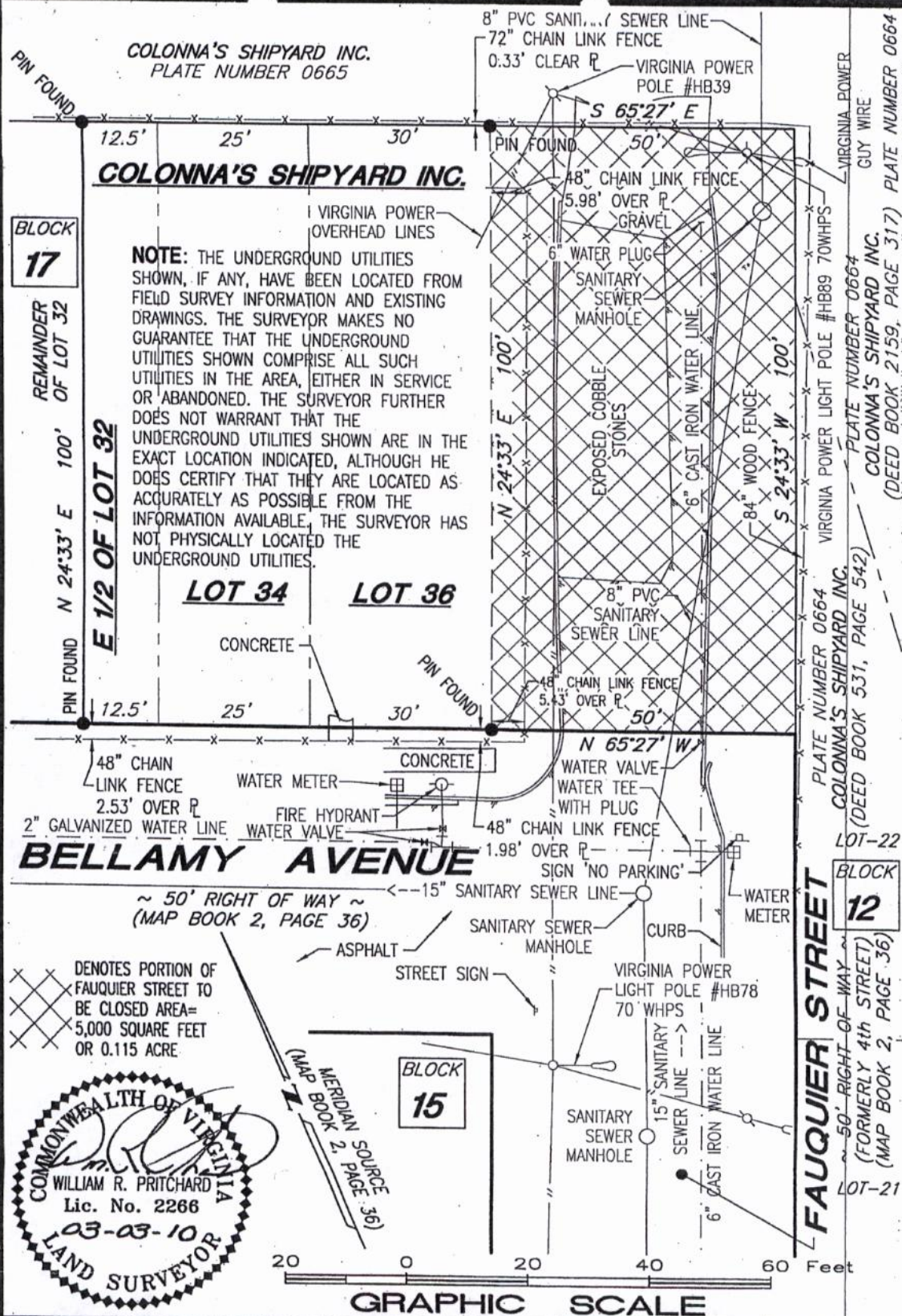
Section 2:- That it is the intent of the Council that upon payment of the aforesaid sum any interest the City may have in the said portion of Fauquier Street shall transfer to the abutting property owner or owners and the proper officers of the City are authorized to do all things necessary, including the delivery of a quitclaim deed or deeds, in form satisfactory to the City Attorney, to effect the transfer to the abutting property owner or owners of their fractional portion of any interest the City may have in the said portion of Fauquier Street.

Section 3:- That this ordinance shall be in effect from and after thirty (30) days from the date of its adoption.

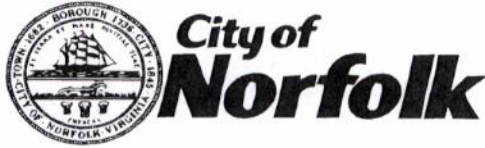
## **EXHIBIT A**

A rectangular-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being further described as follows: That portion of the 50.00 foot right-of-way of Fauquier Street from the northern line of Bellamy Avenue 100.00 feet, more or less, northeastwardly to its terminus, said parcel being shown on an exhibit entitled, "Exhibit Showing a Portion of Fauquier Street to Be Closed as Shown on That Certain Plat Entitled (Entitled): 'Plat of Hardy Property' Said Plat Recorded in Map Book 2, Page 36, in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia," said exhibit being prepared by WPL, an engineering and surveying firm in Virginia Beach, Virginia, and said exhibit being dated February 10, 2010.









## Inter Department Correspondence Sheet

TO: City Planning Commission

FROM: Executive Secretary, City Planning Commission

COPIES TO:

SUBJECT: Application for a Street Closure (CONT 4 P.H. DECEMBER 2010)

<b>Name of the Street Proposed for Closure</b>	Fauquier Street		
<b>Extent of Closure</b>	A portion Fauquier Street from the northern line of Bellamy Avenue 100 feet, more or less, northeastwardly to its terminus		
<b>Site Characteristics</b>	<b>Neighborhood</b>	Berkley	
<b>Applicant</b>	John D. Padgett, Esq.	<b>Property Owner</b>	Colonna's Shipyard, Inc.
<b>Area Characteristics</b>	<b>North</b>	I-5 (Deep Waterfront Industrial) district	
	<b>East</b>	I-5 district and I-3, (General Industrial) district	
	<b>South</b>	R-8 (One-Family) district, R-9, (One-Family) district and I-5 district	
	<b>West</b>	R-8 district	

### A. Summary of Request

John D. Padgett, Esq., attorney for Colonna's Shipyard, Inc., is seeking to close this portion of Fauquier Street as part of a new access management plan. The new plan eliminates entry into the shipyard from Fauquier Street.

### B. Analysis

#### 1. Consistency with Plans

The *General Plan of Norfolk* discourages closure of public right-of-way that provides access to the water in order to protect public access to the water. The plan also calls for minimizing the amount of through traffic on local and collector streets to protect residential neighborhood areas from excessive traffic volumes



and its associated impacts. While this street does not provide access to the water, its closure does have the potential to minimize through traffic on the local and collector streets in this part of Berkley by removing a potential access point to Colonna's Shipyard. Therefore, the proposed closure will provide a net benefit to the community. The proposed street closure is consistent with the *General Plan*.

## **2. Impact on the Neighborhood**

The applicant plans to utilize the portion Fauquier Street to be closed for fencing and landscaping and will have no adverse impact on the neighborhood.

## **3. Zoning Pattern**

The closed right-of-way will reflect the zoning of the adjacent properties.

## **4. Impact on Services**

The City's Department of Utilities has also reported there is a six-inch water main in the proposed portion of Fauquier Street to be closed. The Department of Utilities does not object to the street closure on the condition that the applicant abandons the main within the proposed portion of Fauquier Street to be closed with all costs for the abandonment borne by the applicant. The water main abandonment work must be completed prior to finalizing the street closure.

Dominion Virginia Power has facilities in conflict and has requested an easement.

## **C. Recommendations**

### **1. Staff:**

Staff recommends that this portion of Fauquier Street be discontinued as a public street of the City of Norfolk, contingent upon the satisfaction of each of the following conditions:

1. The Applicant shall verify the existence or non-existence of any private utilities within the right of way to be closed and, if private utilities do exist, Applicant shall ensure that an easement or easements satisfactory to the affected utility company or companies are provided or other satisfactory arrangements are made.
2. The Applicant shall ensure that any utility or other easement required by the City is dedicated to the City in recordable form satisfactory to the City Attorney.
3. That the applicant shall be responsible for the abandonment of the portion of the existing six-inch water main located within the proposed portion of Fauquier Street in a manner

satisfactory to the Department of Utilities and for all costs associated with the abandonment of the water main.

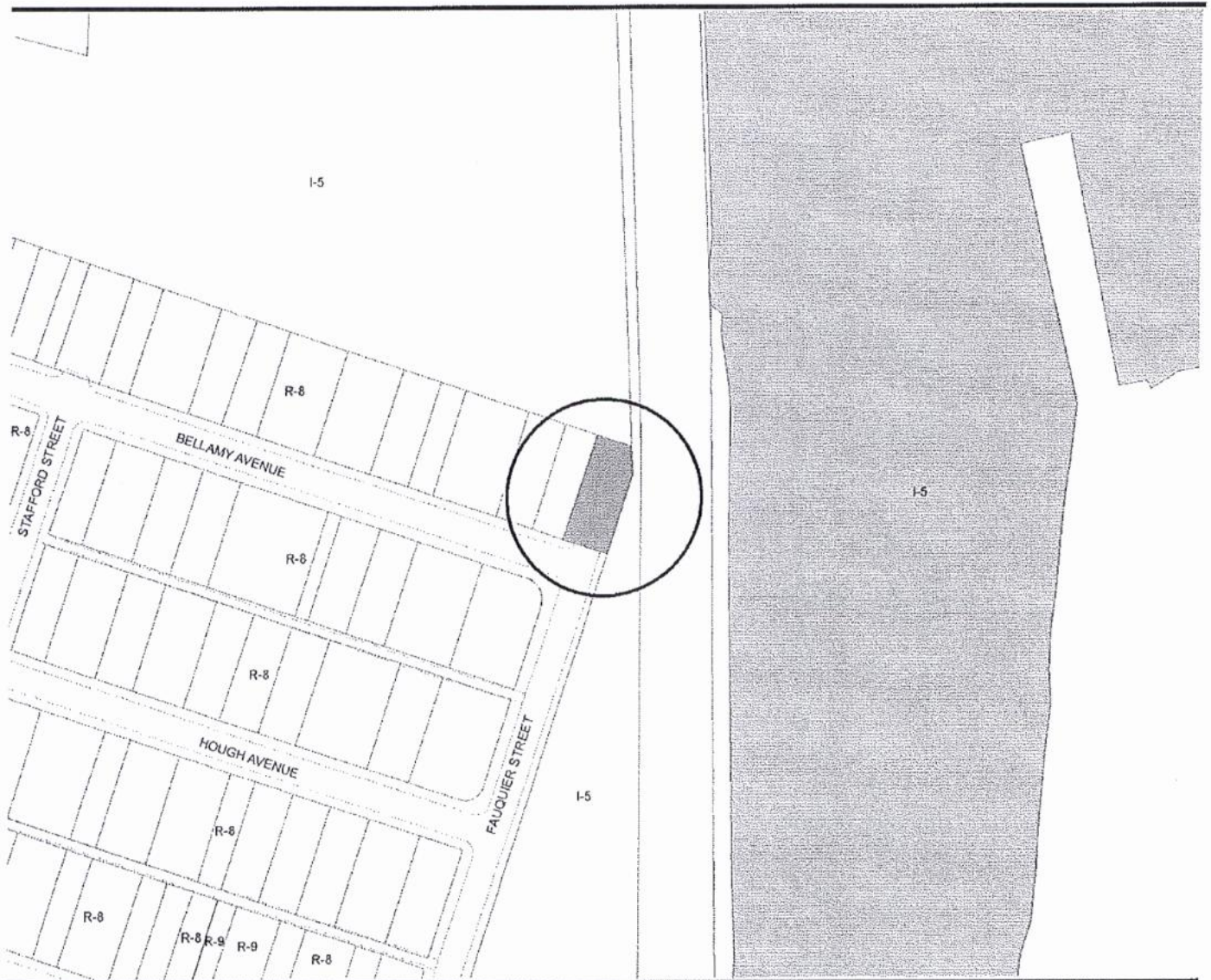
4. The abutting property owners shall pay to the City their fractional share of the sum of \$20,000.00, the agreed price for the City's interest in the portion of Fauquier Street to be closed.
5. The Applicant shall pay to the City all costs associated with the publishing of the notice required by Section 15.2-2006 of the Code of Virginia, 1950, as amended.

**Attachments**  
**Area Map**  
**Application**

1. LOCATION AND ZONING

PROPOSED STREET CLOSURE

JOHN D. PADGETT FOR COLONNA'S SHIPYARD  
FAUQUIER STREET



Planning Commission Public Hearing

December 16, 2010 Cont. Application 4

 Location

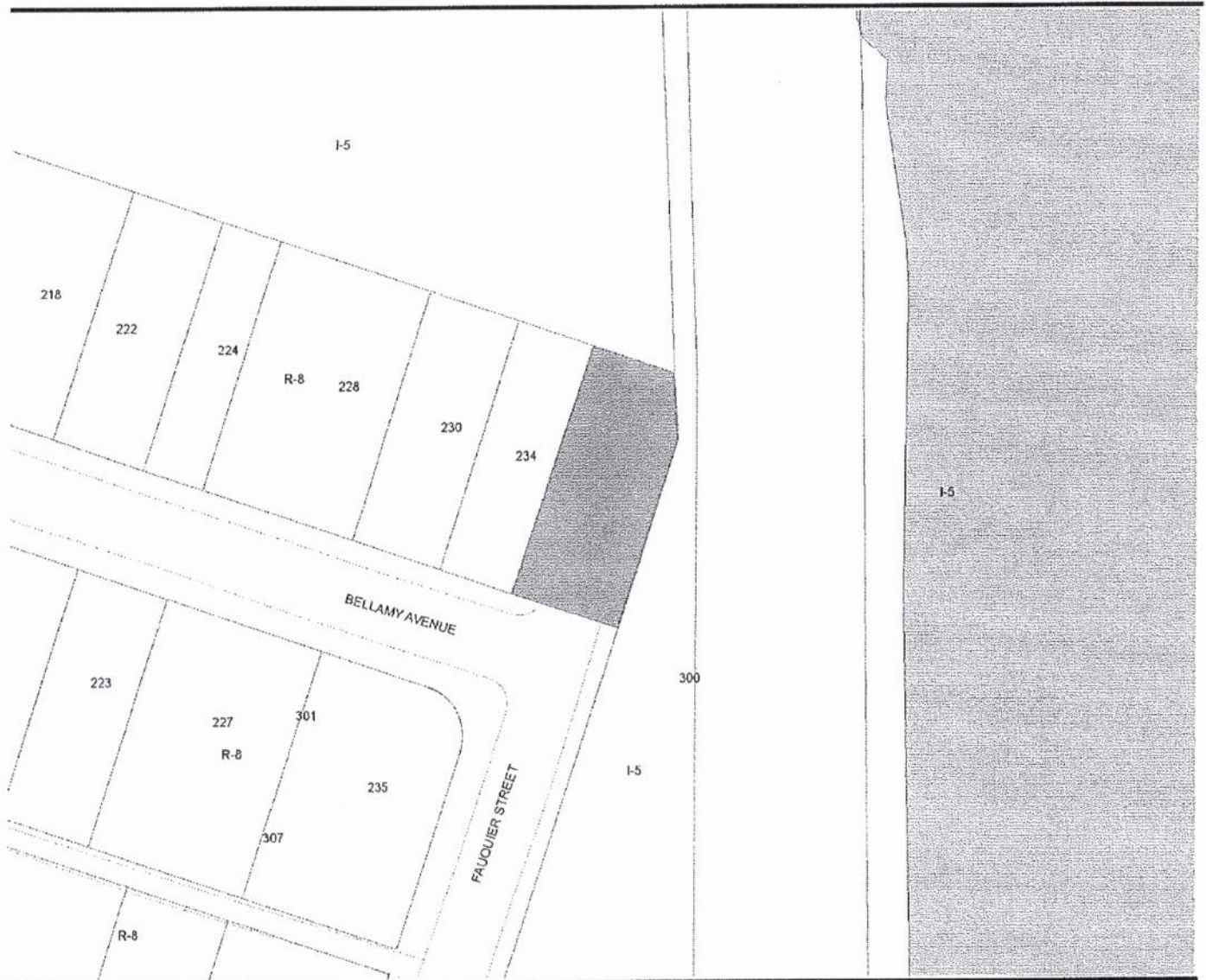




2. SITE

PROPOSED STREET CLOSURE

JOHN D. PADGETT FOR COLONNA'S SHIPYARD  
FAUQUIER STREET



Planning Commission Public Hearing

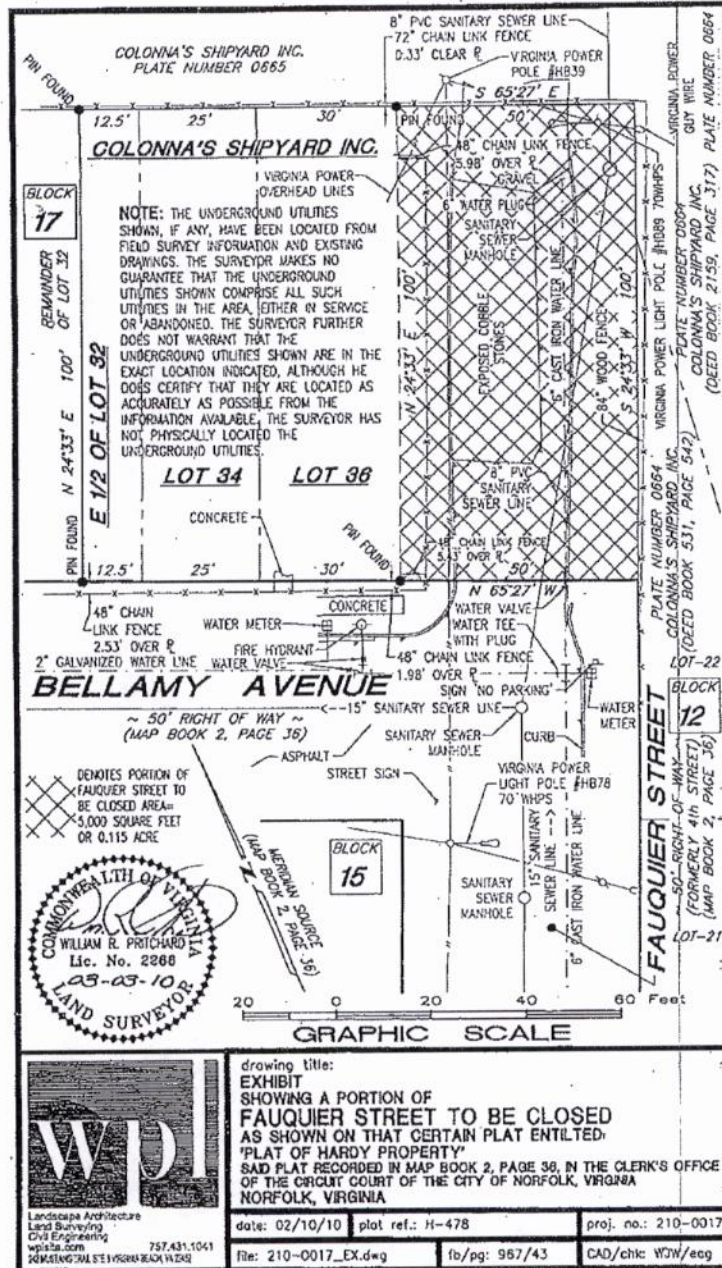
December 16, 2010 Cont. Application 4

 Location

### 3. SURVEY

#### PROPOSED STREET CLOSURE

JOHN D. PADGETT FOR COLONNA'S SHIPYARD  
FAUQUIER STREET



Planning Commission Public Hearing

December 16, 2010 Cont. Application 4

Location



March 7, 2016

City Planning Commission  
Design Review and Preservation Board  
C/o City Planning Department  
810 Union Street  
Suite 500  
Norfolk, VA 23510

Attn: Jeff Raliski, Department of Planning

To Whom It May Concern:

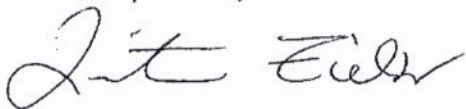
On behalf of The Beacon Light/Berkley Civic League, I am sending this letter of support for the proposed street closure and sale of property at Fauquier Street by Colonna's Shipyard. The proposed project required for public hearing File No: 2010-139750-NB was reviewed by our Board of Directors in February 2016 and was deemed as a positive for both the Berkley neighborhood and Colonna's Shipyard.

An ordinance closing, vacating and discontinuing a portion of Fauquier Street from the Northern Line of Bellamy Avenue 100 feet, more or less, northeastwardly to it terminus, and authorizing the conveyance to the abutting property owner or owners of any interest the City may have in the said portion of Fauquier Street.

This project incorporates many of the principles we have been promoting as an organization, including: decreasing crime, partnering and supporting with local businesses and community development opportunities.

We urge the Planning Commission and City Council to join us in supporting this project. If you would like any additional information on our organization or our position we can be reached by calling Pamela Rodgers at 757-773-5461 or [pwbjdf@cox.net](mailto:pwbjdf@cox.net).

Thank you for your consideration



Quinton Fields, Vice President of Beacon Light/Berkley Civic League  
Pamela Rodgers, President of Beacon Light/Berkley Civic League

cc. Councilman Paul R. Riddick